

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
R. de Sylva : Group Art Unit 1723
Serial No. 08/826,727 : Examiner: M. Savage
Filed: April 7, 1997 : Date: August 25, 2001
For: COMPACT MOBILE OIL
RECYCLING SYSTEM

DECLARATION UNDER 37 CFR 1.131
TO SWEAR BEHIND REFERENCE

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

The enclosed exhibits A - F provide evidence and testimony to antedate US Patent No. 5, 824, 211 (Lowry) for subject matter disclosed and claimed in U.S. Patent Application, Serial No. 08/826,727, which is the parent of the Continuation-In-Part U.S. Patent Application filed herewith.

Exhibit A: Exhibit A is a letter from a witness Paul Oravecz. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Paul Oravecz and was diligent in reducing the invention to practice.

Exhibit B: Exhibit B is a letter from a witness Dione Apple. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Dione Apple.

Exhibit C: Exhibit C is a letter from Daniel Potasz, who witnessed Charles Lowry asking Robert de Sylva questions pertaining to Robert de Sylva's proprietary oil recycling system before May 3, 1995. The fact herein relied upon is that Robert de Sylva transferred ideas to Charles Lowry, as witnessed by Daniel Potasz, that were subsequently disclosed in Lowry, and therefore should not be used by Examiner to reject Applicant's claims.

Exhibit D: Exhibit D is a letter from Robert de Sylva explaining his working relationship with Charles Lowry. The fact herein relied upon is that Robert de Sylva conceived the embodiments of U.S. Patent Application, Serial No. 08/826, 727 before May 3, 1995.

Exhibit E: Exhibit E is a collection of drawings sheets 1-5 employed to construct a prototype of the Fig. 1 embodiment of U.S. Patent Application, Serial No. 08/826, 727. Sheet 1 is a working cross-sectional diagram of the mobile oil recycling device that was used to construct a working prototype, the design/construction beginning in 1995. Sheet 2 is a working diagram illustrating the central tube and accompanying grooves employed to enhance the evaporation surface on the interior of the tube. Sheet 3 shows the design of the bottom end cap of the prototype. Sheet 4 shows how the inner tube fits with the end caps. Sheet 5 shows the threading between the outer tube and the end caps of the prototype. The fact herein relied upon is that Robert de Sylva was diligent in reducing the invention to practice beginning February 1995.

Exhibit F: Exhibit F includes two sheets illustrating diagrams of an oil recycling unit that Robert de Sylva commissioned Charles Lowry to produce via his computer in February 1995 based on Robert de Sylva's input. Charles Lowry was extremely excited to participate in Robert de Sylva's new invention after Robert de Sylva explained to him the details of the invention. Charles Lowry asked Robert de Sylva if he could illustrate Robert de Sylva's proposed oil recycling device via his computer. Robert de Sylva allowed Charles Lowry to construct some figures based on Robert de Sylva's instructions. Exhibit F includes some of those figures. Note that Sheet 1 of exhibit F is very similar to Fig. 1 of Lowry. Although these diagrams do not have the date written on them, they were produced in February 1995. The handwriting on Sheet 1 represents some of my notes to Charles Lowry regarding the diagrams. The notes on Sheet 1 were written (by me) in February 1995. The fact herein relied upon is that Robert de Sylva invented concepts disclosed and claimed in Lowry before May 3, 1995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both.

Respectfully submitted,

Robert de Sylva 8-27-01
Robert de Sylva

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08/08/2004
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